

### **REMARKS**

At ¶8 of the March 12, 2004 Office Action, the Examiner asserts that the following limitation from independent claims 1 and 7:

distributing the negotiant function to a consumer for execution by said consumer  
(emphasis added)

is disclosed in Herz (U.S. Patent No. 6,460,036) at col. 39, lines 47-65, col. 40, lines 1-67. In Herz, however, the process that the Examiner equates to a “negotiant function,” i.e.,

... the process to negotiate the release of user-specific information and credentials from proxy server S2 ... (from ¶8, lines 6-7 of March 12, 2004 Office Action).

is not for “execution by said consumer” as recited in claims 1 and 7. In fact, Herz teaches away from execution by the consumer by teaching negotiating between a proxy server S2 and another server S4, without involving the consumer C3 (see Herz, col 39, lines 19-22 and 47-53). Since Herz does not teach or suggest a negotiant function “for execution by said consumer” as recited in independent claims 1 and 7, those claims should be allowable.

Regarding independent claim 3, Herz teaches at col 39, lines 47-53 negotiating between a proxy server S2 and another server S4. Claim 3, on the other hand recites, “receiving a negotiant function for execution . . .” and “executing said negotiant function . . .” Herz does not teach receiving a negotiant function, i.e., the “receiving” element of this limitation in claim 3 is not taught or suggested by Herz, nor is any transfer of a negotiant function taught or suggested that would allow for a receiving element. Therefore claim 3 should be allowable.

In view of the arguments set forth above, Applicants respectfully submit that the rejections contained in the Final Office Action mailed on March 12, 2004, have been overcome, and that the claims are in condition for allowance. If the Examiner believes that any further discussion of this communication would be helpful, he is invited to contact the undersigned at the telephone number provided below.

Appl. No. 09/802,278  
Amdt. Dated September 13, 2004  
Reply to Final Office Action of March 12, 2004

Applicants herein request continued examination of the application according to 37 C.F.R. § 1.114. Please charge deposit account no. 08-0219 the fee set forth in 37 C.F.R. § 1.17(e) for this purpose.

A Petition and fee for a three-month extension of time are included herewith. No other fees are believed to be due in connection with this response. However, please charge any underpayments or credit any overpayments to Deposit Account No. 08-0219.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Demsher', written over a horizontal line.

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